

J
Robinson, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY MAURO, a shareholder, of Merchants
Advantage Corporation, Suing In Right of Merchants
Advantage Corporation,

**CIVIL CASE
DISCOVERY PLAN AND
SCHEUDLING ORDER**

Plaintiff,

Case No. 08 CV 2151 (SCR) (MDF)

- against -

STERLING NATIONAL BANK, a/k/a STERLING
FINANCIAL SERVICES, a/k/a STERLING BANK
CORP., JOHN GALLO and ARUN PATEL,

Defendants.

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The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure.

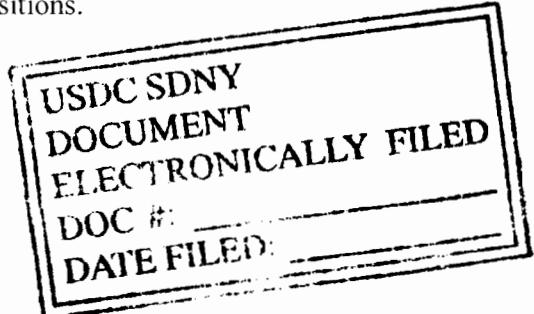
The case is not to be tried to a jury.

Joinder of additional parties must be accomplished by June 1, 2008.

Amended pleadings may be filed until July 1, 2008.

Discovery

1. Interrogatories are to be served by all counsel no later than June 6, 2008, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.
2. First requests for the production of documents, if any, to be served no later than June 6, 2008.
3. Depositions to be completed by September 19, 2008.
 - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.



4. Any further interrogatories, including expert interrogatories, to be served no later than September 26, 2008.
5. Requests to Admit, if any to be served no later than September 26, 2008.
6. Additional provisions relating to discovery agreed upon by counsel for the parties are not attached and made a part hereof.
7. All discovery is to be complete by November 14, 2008.

Initial Case Management Conference scheduled on June 20, 2008 at 10:00 a.m.

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

✓ This case has been designation to the Hon. _____, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

Dated: White Plains, NY

✓ April 17, 2008

SO ORDERED

Stephen C. Robinson U.S.D.J.